

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES GIBSON BAILEY,

Defendant.

CR 19–09–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on January 22, 2020. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge DeSoto recommended this Court accept Charles Gibson Bailey’s guilty plea after Bailey appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession of a

destructive device made in violation of the law in violation of 26 U.S.C. § 5861(c), as set forth in the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 86), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Charles Gibson Bailey's motion to change plea (Doc. 78) is GRANTED and Charles Gibson Bailey is adjudged guilty as charged in Count II of the Indictment.

DATED this 10th day of February, 2020.

  
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Dana L. Christensen, Chief District Judge  
United States District Court